



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/834,151	04/14/97	HIRANO	S 448563/046

STROOCK & STROOCK & LAVAN
180 MAIDEN LANE
NEW YORK NY 10038-4982

MM51/1014

EXAMINER

BROOKE, M

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 10/14/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/834,151	Applicant(s) Hirano et al.
	Examiner Michael S. Brooke	Group Art Unit 2853

Responsive to communication(s) filed on _____.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 29, 30, 32-34, and 36-41 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 29, 30, and 32-34 is/are rejected.

Claim(s) 36-41 is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 21, 22

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2853

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed 04/14/97 and 07/15/97 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
2. The information disclosure statement filed 07/15/97 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56© most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

3. The drawings are objected to because the arrow z is not shown in Fig. 43 as stated in the specification on pages 39 and 40. Correction is required.

Art Unit: 2853

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 29, 30, 32 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29: The language "a carriage capable of moving ...", in lines 4-5 fails to recite a positive limitation. Therefore, no structural relationship has been recited between the carriage and the print area and non-print area.

Claims 30 and 32: Rejected on the same basis as claim 29.

6. Claim 34 recites the limitation "resilient member" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 29 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurata et al.

Art Unit: 2853

Kurata et al. discloses an ink jet recording apparatus comprising a printer case (26), a carriage (1) that is movable over a recording region and a non-recording region, and recording heads (2A-2D) mounted on the carriage. A releasing lever (22) is provided on the carriage (1) for maintaining the recording heads (2A-2D) in position. The case (26) is provided with a carriage locking portion (29) that prevents movement of the carriage and the subsequent release of the recording heads, should the releasing lever (22) not be in a fully closed position.

9. Claims 33 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki.

Suzuki discloses an ink jet printer having a printing head (21) which is mounted on a carrier (22) by a resilient clamp lever (11). The lever has a "U"-shaped configuration and has one of its arm pivotally mounted to the carriage.

Allowable Subject Matter

10. Claims 36-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2853

Taira discloses a light irradiation device having a movable carriage with stops for limiting movement of the carriage.

Brandon et al. discloses a printer nest for positioning an ink jet cartridge comprising a locking lever for securing the cartridge in position on the print head.

Piatt et al. discloses an ink jet printer having locking levers for mounting the ink jet cartridges.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. Brooke whose telephone number is (703) 305-0262.



MSB

October 13, 1998



Benjamin R. Fuller
Supervisory Patent Examiner
Technology Center 2800